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Perman & Green, LLP 99 Hawley Lane Stratford, CT 06614			EXAMINER MACILWINEN, JOHN MOORE JAIN	
			ART UNIT 2442	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/920,910	Applicant(s) MOSTAFA, MIRAJ	
	Examiner John M. MacIlwain	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/03/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 03/29/2010 have been fully considered but they are not persuasive.
2. On pages 8 – 9, Applicant notes that Luzeski teaches a “structure where the web platform handles interactions with various smaller amounts of information”. Applicant continues to argue that “Clearly Luzeski et al. strongly teaches away from the claimed solution by disclosing ... another implementation that is reasoned by Luzeski et al. to be better for their unified messaging service.”

Though Luzeski does teach a server 10 and a server 12, as shown in Fig. 4N of Luzeski, Luzeski does not teach away as argued by Applicant. To the contrary, Luzeski teaches forming a connection between the messaging server to which the recipient wireless terminal sent the request. Fig. 4D is an illustration of Luzeski's procedure for opening a voice/fax message transaction flow, which is an example flow that Luzeski teaches utilizes streaming (col. 12 lines 27 – 28). Said Fig. 4D clearly shows the connection between PC 20 and WEB SERVER 14 via flows S1 and S6. This connection, further discussed in col. 20 line 55 – col. 21 line 12, illustrates the requesting terminal/PC 20 exchanging information with the messaging server 10; both the request is sent to messaging server 10 of Fig. 4D and response is from messaging server 10 of Fig. 4D.

Applicant's arguments thus are not persuasive as Luzeski cannot be said to teach away from particular claim language that is explicitly disclosed by Luzeski.

Information Disclosure Statement

3. The information disclosure statement filed 12/03/2009 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Cite No 1 and 2 of NON-PATENT LITERATURE DOCUMENTS are entirely in Japanese with no English translation provided. The disclosure been placed in the application file, and Cite No 1, 2 and 3 of FOREIGN PATENT DOCUMENTS have been considered, but the information referred to in Cite No 1 and 2 of NON-PATENT LITERATURE DOCUMENTS have not been considered as to their merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 60 – 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski (US 6,430,177 B1) in view of Parasnis (US 6,728,753 B1) and Broussard (US 6,269,483 B1).

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6. Regarding claim 60, Luzeski shows a method comprising storing by a messaging server a multimedia message including a streamable media component (col. 12 lines 15 – 54) and information describing the streamable media component (col. 14 lines 49 - 55, col. 17 lines 8 - 26)

sending a notification message by the messaging server to a recipient terminal indicative that the multimedia message is available for retrieval by the recipient terminal (col. 11 lines 23 – 60, col. 17 lines 2 – 18, col.18 lines 33 – 35, col. 20 lines 17 - 30 and lines 43 - 47)

receiving by the messaging server a request for the multimedia message that has been notified to the recipient terminal from the said recipient terminal and responsively sending by the messaging server to the recipient terminal the multimedia message containing the information describing the streamable media component as a component of the multimedia message (col. 20 line 54 – col. 21 line 12)

and forming a connection between the messaging server to which the recipient terminal sent the request and the recipient terminal (Fig. 4D and col. 20 line 55 - col. 21 line 12).

Luzeski does not show forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component.

Parasnis shows forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component (col. 20 lines 22 – 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (Parasnis, col. 2 lines 39 - 42).

Luzeski in view of Parasnis do not show where the recipient terminal is wireless
Broussard shows where the recipient terminal is wireless (col. 5 lines 31 – 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis with that of Broussard in order to support additional system configurations, such as wireless configurations, increasing the number of supported client devices.

7. Regarding claim 61, Luzeski in view of Parasnis and Broussard further show wherein the messaging server receives the streamable media component and the information describing the streamable media component from a sending terminal before storing the streamable media component and the information describing the streamable media component (Luzeski, col. 12 lines 25 - 54).

8. Regarding claim 62, Luzeski in view of Parasnis and Broussard further show wherein the messaging server receives the streamable media component and the information describing the streamable media component in separate messages (Luzeski, col. 12 lines 5 – 16 and lines 25 – 37).

9. Regarding claim 63, Luzeski in view of Parasnis and Broussard further show wherein the multimedia message includes at least one non-streamable component (Luzeski, col. 13 lines 1 – 25, col. 14 lines 45 – 53 and col. 16 lines 62 – 65).

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10. Regarding claim 64, Luzeski in view of Parasnis and Broussard further show wherein the streaming session is formed under one of the following protocols: hyper text transport protocol (Luzeski, col. 7 lines 7 - 15) and real-time streaming protocol (Broussard col. 5 lines 30 – 35).

11. Regarding claim 65, Luzeski in view of Parasnis and Broussard further show further including receiving by the messaging server by streaming the streamable media component generated at the sending terminal (Luzeski col. 12 lines 25 – 58).

12. Regarding claim 66, Luzeski in view of Parasnis and Broussard further show wherein the recipient wireless terminal is used by a recipient user and the streaming session is formed at discretion of the user (Luzeski col. 1 lines 54 - 56 and Broussard col. 5 lines 31 - 42).

13. Regarding claim 67, Luzeski in view of Parasnis and Broussard further show wherein the messaging server comprises a content server, the content server receiving the streamable media component from a sending terminal and transmitting the streamable media component to the recipient wireless terminal (Luzeski col. 5 lines 46 – 53).

14. Regarding claim 68, Luzeski in view of Parasnis and Broussard further show further including multicasting the streamable media component to at least one other recipient in addition to the recipient wireless terminal (Parasnis col. 5 lines 39 - 42 and Fig. 12).

15. Regarding claim 69, Luzeski in view of Parasnis and Broussard further show wherein the messaging server receives the streamable media component within a

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multimedia message addressed to the recipient wireless terminal (Luzeski col. 11 lines 23 - 29 and col. 12 lines 25 - 47).

16. Regarding claim 70, Luzeski shows a memory configured to store a multimedia message comprising a streamable media component (Luzeski col. 12 lines 25 - 54) and information describing the streamable media component (Luzeski col. 14 lines 49 - 55 and col. 17 lines 8 - 26);

a message connection interface contained by the messaging server (Fig. 4D and col. 20 line 55 - col. 21 line 12) configured to send a notification message to a recipient wireless terminal indicative that the multimedia message is available for retrieval by the recipient wireless terminal (Luzeski col. 11 lines 23 - 60, col. 17 lines 2 - 8, col. 18 lines 33 - 35 and col. 20 lines 17 - 30 and lines 43 - 47);

a processor configured to include as a component of the multimedia message the information describing the streamable component (Luzeski col. 17 lines 4 - 21, col. 20 lines 43 - 47, col. 20 line 63 - col. 21 line 5);

further configured to receive from the recipient wireless terminal a request for the multimedia message that has been notified to the recipient terminal and responsively to send to the recipient terminal the multimedia message containing the information describing the streamable media component as a component of the multimedia message (Luzeski col. 20 line 54 - col. 21 line 12); and

Luzeski does not explicitly show all of:

a port configured to communicate with a plurality of terminals;

the port being further configured to form a streaming session with the recipient

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wireless terminal, using the information describing the streamable media component

Parasnis shows a port (Parasnis col. 22 lines 48 – 58) configured to communicate with a plurality of terminals (Parasnis col. 5 lines 39 – 42 and Fig. 12), the port being further configured to form a streaming session with the recipient wireless terminal, using the information describing the streamable media component (Parasnis col. 20 lines 22 – 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (Parasnis, col. 2 lines 39 - 42).

Luzeski in view of Parasnis do not show where the recipient terminal is wireless

Broussard shows where the recipient terminal is wireless (col. 5 lines 31 – 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis with that of Broussard in order to support additional system configurations, such as wireless configurations, increasing the number of supported client devices.

17. Regarding claim 71, Luzeski in view of Parasnis and Broussard further show wherein the port is further configured to transmit the streamable media component in sequential sub-parts to the recipient wireless terminal (Broussard col. 5 lines 31 – 42), during the streaming session (Luzeski col. 20 line 60 – col. 21 line 5).

18. Regarding claim 72, Luzeski in view of Parasnis and Broussard further show a notification server configured to receive the information describing the streamable

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media component from a sending terminal (Luzeski col. 11 lines 24 – 34, col. 12 lines 26 – 58, col. 16 line 63 – col. 17 line 21 and col. 21 line 58 – col. 22 line 11) and to send the information describing the streamable media component to the recipient wireless terminal in the notification message (col. 5 lines 45 – 61 and col. 20 lines 18 - 30).

19. Regarding claim 73, Luzeski in view of Parasnis and Broussard further show a content server configured to receive the streamable media component from a sending terminal and configured to transmit the streamable media component to the recipient wireless terminal (Luzeski col. 5 lines 45 – 65 and col. 12 lines 25 – 58).

20. Regarding claim 74, Luzeski in view of Parasnis and Broussard further show wherein the port is configured to receive the streamable media component within the multimedia message (Luzeski col. 11 lines 23—29 and col. 12 lines 25 – 47).

21. Regarding claim 75, Luzeski in view of Parasnis and Broussard further show wherein the port is configured to form the streaming session under one of the following protocols: hyper text transport protocol and real-time streaming protocol (Broussard col. 5 lines 30 - 35).

22. Regarding claim 76, Luzeski in view of Parasnis and Broussard further show an apparatus comprising:

a reception mechanism configured to receive from a messaging server a notification message indicative of the presence of a multimedia message, the multimedia message comprising a streamable media component (Luzeski col. 14 lines 49 – 55, col. 20 lines 17 – 47);

the a reception mechanism being configured to send to the messaging server a

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request for the multimedia message and to responsively receive the multimedia message containing, as a component of the multimedia message, information describing the streamable media component (Luzeski col. 20 line 54 - col. 21 line 12); and

forming a connection between the messaging server to which the recipient terminal sent the request and the recipient terminal (Fig. 4D and col. 20 line 55 - col. 21 line 12).

Luzeski does not show forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component.

Parasnis shows forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component (col. 20 lines 22 – 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (Parasnis, col. 2 lines 39 - 42).

Luzeski in view of Parasnis do not show where the connection interface is a transceiver configured to receive wirelessly

Broussard shows a connection interface is a transceiver configured to receive wirelessly (col. 5 lines 31 – 42).

It would have been obvious to one of ordinary skill in the art at the time of the

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invention to modify the disclosure of Luzeski in view of Parasnis with that of Broussard in order to support additional system configurations, such as wireless configurations, increasing the number of supported client devices.

23. Regarding claim 77, Luzeski in view of Parasnis and Broussard further show wherein the transceiver is further configured to receive the streamable media component in sequential sub-parts from the messaging server (Luzeski, col. 20 line 60 – col. 21 line 5).

24. Regarding claim 78, Luzeski in view of Parasnis and Broussard further show wherein the transceiver is further configured to send a message for another messaging device to the messaging server (Luzeski col. 11 lines 24 – 35 and Broussard col. 5 lines 30 - 55).

25. Regarding claim 79, Luzeski in view of Parasnis and Broussard further show wherein the transceiver has been configured to form the streaming session under one of the following protocols: HTTP and RTSP (Broussard, col. 5 lines 30 - 35).

26. Regarding claim 80, Luzeski in view of Parasnis and Broussard further show wherein the transceiver is further configured to receive a notification message regarding the message and to form the streaming session after receiving the notification message (Luzeski col. 17 lines 1 – 21 and col. 20 lines 14 - 65).

27. Regarding claim 81, Luzeski in view of Parasnis and Broussard further show wherein the transceiver is further configured to receive the information describing the streamable media component in the notification message (Luzeski col. 11 lines 24 – 35 and col. 14 lines 48 – 55).

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28. Regarding claim 82, Luzeski in view of Parasnis and Broussard further show wherein the transceiver is further configured to form the streaming session at the discretion of a user of the apparatus (Luzeski col. 1 lines 54 – 56).

29. Regarding claim 83, Luzeski in view of Parasnis and Broussard further show a method for multimedia messaging in a wireless messaging device, comprising:

receiving from a messaging server a notification message indicative of the presence of a multimedia message, the multimedia message comprising a streamable media component (Luzeski col. 14 lines 49 – 55, col. 17 lines 8 – 20 and col. 20 lines 17 – 47);

sending to the messaging server a request for the multimedia message and responsively receiving the multimedia message containing, as a component of the multimedia message, information describing the streamable media component (Luzeski col. 20 line 54 – col. 21 line 12) and

forming a connection with the messaging server to which the recipient wireless terminal sent the request (Fig. 4D and col. 20 line 55 - col. 21 line 12).

Luzeski does not show forming a streaming media session with the messaging server for receiving the streamable media component using information describing the streamable media component

Parasnis shows forming a streaming media session with the messaging server for receiving the streamable media component using information describing the streamable media component (col. 20 lines 22 – 67).

It would have been obvious to one of ordinary skill in the art at the time of the

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invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (Parasnis, col. 2 lines 39 - 42).

Luzeski in view of Parasnis do not receiving wirelessly.

Broussard shows receiving wirelessly (col. 5 lines 31 – 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis with that of Broussard in order to support additional system configurations, such as wireless configurations, increasing the number of supported client devices.

30. Regarding claim 84, Luzeski in view of Parasnis and Broussard further show wherein the streaming session is formed under one of hyper text transport protocol and real-time streaming protocol (Broussard col. 5 lines 30 – 35).

31. Regarding claim 85, Luzeski shows a computer program embodied in a computer readable memory medium comprising computer program code which when executed by a wireless messaging device, causes the wireless messaging device to perform a method comprising:

receiving from a messaging server a notification message indicative of the presence of a multimedia message, the multimedia message comprising a streamable media component (Luzeski col. 14 lines 49 – 55, col. 17 lines 8 – 20 and col. 20 lines 17 – 47);

sending to the messaging server a request for the multimedia message and responsively receiving the multimedia message containing, as a component of the

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multimedia message, information describing the streamable media component (Luzeski col. 20 line 54 – col. 21 line 12) and

and forming a connection with the messaging server to which the recipient terminal sent the request (Fig. 4D and col. 20 line 55 - col. 21 line 12).

Luzeski does not show forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component.

Parasnis shows forming a streaming media session between the messaging server and the recipient terminal, for receiving the streamable media component using information describing the streamable media component (col. 20 lines 22 – 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (Parasnis, col. 2 lines 39 - 42).

Luzeski in view of Parasnis do not show where the recipient terminal is wireless

Broussard shows where the recipient terminal is wireless (col. 5 lines 31 – 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis with that of Broussard in order to support additional system configurations, such as wireless configurations, increasing the number of supported client devices.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. MacIlwinen whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Lee, can be reached at (571) 272 - 3967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Philip C Lee/
Acting SPE of Art Unit 2442